IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6060 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR
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1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

HARSHAD RATILAL JOSHI
Versus
FOOD CORPORATION OF INDIA

Appearance:
     MR HARSHAD J SHAH for Petitioners
     M/S THAKKAR ASSOC. for Respondent No. 1
     MR BHARAT T RAO for Respondents

CORAM : MR.JUSTICE N.N.MATHUR
Date of decision: 03/11/98

ORAL JUDGEMENT
  The grievance of the petitioners is that the
respondents refused to refer the matter to the Tribunal
without any basis.   It appears from the proceedings
before the Assistant Labour Commissioner that on
16.1.1996 it was pointed out by the Union that the
employees are engaged on daily wages at Madhwan Depot,
Surendranagar, Food Corporation of India through

different contractors like Kundanlal, Anvarbhai etc. for about 9 years and was finally discontinued in 1994. From this fact it cannot be said that the petitioners were engaged by the Food Corporation of India. Thus, the petitioners failed to show their existing relationship of the employer and employee. In view of this, I find no substance in the grievance voiced by the petitioners. I find no merit in this Special Civil Application and the same is accordingly rejected. At this stage it is pointed out by the learned counsel for the petitioners that the petitioners have material with them to show that there is relationship between employer and employee. It would be open for the petitioners to produce such evidence before the appropriate authority. If such evidence is produced the same shall be considered and decided in accordance with law without prejudice to the fact that this Special Civil Application being rejected.

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